

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLERA CORPORATION, et al.,)
Plaintiffs,)
v,) Civil Action No. 04-1230-GMS
THERMO ELECTRON CORPORATION,)
Defendants.)

NOTICE OF SUBPOENAS DUCES TECUM

PLEASE TAKE NOTICE that, pursuant to Rules 24 and 45 of the Federal Rules of Civil Procedure and the Subpoenas Duces Tecum attached to this notice as Exhibit A and addressed to Waters Corporation, Latham & Watkins, LLP, and Pillsbury Winthrop Shaw Pittman LLP (together "the Subpoenaed Parties"), the Subpoenaed Parties will produce documents called for by the Subpoenas and Schedule A annexed thereto at the offices of Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, Massachusetts 02109, on October 3, 2005 at 9:00 a.m.

Kelly E. Jaenner

Frederick L. Cottrell, III (#2555)

(Cottrell@RLF.com)

Kelly E. Farnan (#43)

(Farnan@RLF.com)

Richard, Layton & F

One Rodney Square

920 N. King

P.O. Box 551

Wilmington, DE

(302) 651-7700

OF COUNSEL:

William F. Lee

Wayne L. Stoner

Stephen M. Muller

Michael R. Duhe

Lauren B. Fletcher

Baron B. Pickler

60 State Street

Boston, MA 02109

(617) 526-6000

Dated: August 26, 2005

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2005, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing, and hand delivered, to the following:

Josy W. Ingersoll
Adam W. Poff
Young, Conaway, Stargatt & Taylor, LLP
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, DE 19899

I hereby certify that on August 26, 2005, I sent the foregoing document by Federal Express to the following non-registered participant:

Walter E. Hanley, Jr.
James Galbraith
Huiya Wu
Kenyon & Kenyon
One Broadway
New York, NY 10004

William G. James, II
Fred T. Grasso
Kenyon & Kenyon
1500 K Street N.W., Suite 700
Washington, DC 20036

Kelly E. Farnan
Kelly E. Farnan (#4395)
(Farnan@RLF.com)

DATED: August 26, 2005